

University of Colorado Law School

## Colorado Law Scholarly Commons

---

Shifting Baselines and New Meridians: Water, Resources, Landscapes, and the Transformation of the American West (Summer Conference, June 4-6)

---

2008

6-5-2008

### SLIDES: Water Needs and Strategies for a Sustainable Future

Shaun McGrath

Follow this and additional works at: <https://scholar.law.colorado.edu/water-resources-and-transformation-of-American-West>



Part of the Administrative Law Commons, Animal Law Commons, Aquaculture and Fisheries Commons, Biodiversity Commons, Climate Commons, Energy and Utilities Law Commons, Energy Policy Commons, Environmental Health and Protection Commons, Environmental Law Commons, Environmental Policy Commons, Indian and Aboriginal Law Commons, Land Use Law Commons, Law and Politics Commons, Law and Society Commons, Legal Ethics and Professional Responsibility Commons, Natural Resources and Conservation Commons, Natural Resources Law Commons, Natural Resources Management and Policy Commons, Oil, Gas, and Energy Commons, State and Local Government Law Commons, Sustainability Commons, Urban Studies and Planning Commons, Water Law Commons, and the Water Resource Management Commons

---

#### Citation Information

McGrath, Shaun, "SLIDES: Water Needs and Strategies for a Sustainable Future" (2008). *Shifting Baselines and New Meridians: Water, Resources, Landscapes, and the Transformation of the American West (Summer Conference, June 4-6)*.  
<https://scholar.law.colorado.edu/water-resources-and-transformation-of-American-West/13>

Reproduced with permission of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment (formerly the Natural Resources Law Center) at the University of Colorado Law School.

**Shaun McGrath**  
**Western Governors' Association**  
**“Water Needs and Strategies for a Sustainable Future”**

The 2006 WGA report entitled “Water Needs and Strategies for a Sustainable Future” (WGA Water Report) contains numerous recommendations and action items to encourage and assist local, state and federal planners and managers to coordinate effectively and to prepare for and meet the ever-increasing challenges associated with water management in the arid West. It was crafted with the assistance of a large and diverse group of stakeholders, and it provides a roadmap for addressing the water challenges facing the West.

The WGA asked the WSWC to assist in the implementation of the WGA Water Report's recommendations. Accordingly, the WSWC prepared a “scope of work” outlining several tasks. In carrying out these tasks, a varied and diverse group of stakeholders made significant contributions in the context of a number of conferences and workshops sponsored by the WGA and the WSWC, in association with other agencies and organizations.

Further, given the significant role of the federal government in water resource management in the West, the WGA and the WSWC invited several federal agencies to assist in providing information and technical assistance.

The 2006 Western Governors' Associations' Report contained broad ranging recommendations to address the ever-increasing challenges associated with water management in the West. The progress to date and the “next steps” identified in this 2008 report represent a productive start in implementing these recommendations in what will be an ongoing process.

The success in this endeavor will depend in large part on state initiative and innovation, since states have the pivotal role in water planning, as well as allocating and protecting the resource. But in the West, where the federal government is a substantial landowner and has a significant regulatory presence, the federal role is also critical. Cooperation among the states and the federal government continues to be vital.

To support the state leadership role, the federal government should help by providing a rational federal regulatory framework, together with technical and appropriate financial assistance. It will be paramount to move state and local government participation back into the process of federal decision making, before too much momentum has been built towards policy decisions.

Developing optimal solutions to the challenges laid out in the 2006 WGA water report will require an integrated approach and greater partnerships among state, local and federal agencies. This approach should consider all needs together, develop effective solutions which are complementary rather than conflicting, and provide direction for selecting the most appropriate governmental entities or organizations for implementing solutions.

We believe that implementing the following recommendations will bring us closer to this paradigm, and to success in implementing many of the other “next steps” identified in this report. As such, they have the potential to fundamentally change for the better the way states and the federal government carry out their respective responsibilities regarding water management in the West.

1. The Western States Water Council (WSWC) should enter into a formal agreement to create a “Western States Federal Agency Support Team” made up of representatives of federal agencies having water resource responsibilities and create a WSWC “liaison position” to facilitate collaboration.
2. The WGA should urge Congress to require federal water resource agencies to include “Integrated Water Resources Planning and Assistance” as one of their primary missions, with the goal of:
  - (a) changing the way water planning is conducted by encouraging more comprehensive plans developed under state leadership with federal assistance; and
  - (b) reducing inefficiencies caused by the present mode of project-specific responses to competing demands, contradictory actions by multiple state, local and federal water agencies, and hastily conceived reactions to the latest real or perceived crisis.
3. Federal agencies should use state water plans
  - (a) to help determine national water policy and priorities that best align federal agency support to states and
  - (b) to inform decision making regarding regional water issues.

**Natural Resources Law Center**  
**June 5, 2008**

***The Urbanizing West: Limits to  
Water,  
Limits to Growth***

**Shaun McGrath**



WESTERN GOVERNORS' ASSOCIATION



## 19 WGA State Governors



Sarah Palin  
R-Alaska



Schwarzenegger  
R-California



Linda Lingle  
R-Hawaii



Butch Otter  
R-Idaho



Dave Heineman  
R-Nebraska



Jim Gibbons  
R-Nevada



John Hoeven  
R-North Dakota



Mike Rounds  
R-South Dakota



Rick Perry  
R-Texas



Jon Huntsman Jr.  
R-Utah



Janet Napolitano  
D-Arizona



Bill Ritter  
D-Colorado



Kathleen Sebelius  
D-Kansas



Brian Schweitzer  
D-Montana



Brad Henry  
D-Oklahoma



Bill Richardson  
D-New Mexico



Ted Kulongoski  
D-Oregon



Christine Gregoire  
D-Washington

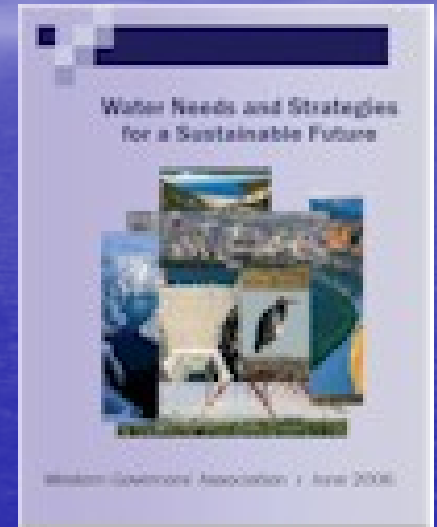


Dave Freudenthal  
D-Wyoming



# Water Needs and Strategies for a Sustainable Future

- 2006 WGA Water Report – 28 recommendations
- Request of Western States Water Council to assist in implementation
- Developed with assistance from diverse group of stakeholders



# Analyses and Recommendations

- Water Policy and Growth
- State Needs and Strategies to Meet Future Demands
- Water Infrastructure Needs and Strategies for Meeting Them
- Resolution of Indian Water Rights
- Climate Change Impacts
- Protecting Aquatic Species under the ESA



# Water Policy and Growth

- Foster Sustainable Growth Policies
  - Identify water requirements
  - Develop integrated impact scenarios
  - Present scenarios to local decision makers
- Facilitate Collaborative Watershed-Focused Planning
  - Desirable growth
  - Environmental Protection
  - Quality and Quantity of Water
    - Surface water
    - Ground water



# Water Policy and Growth

- Applications for new use, transfer, etc.
  - Consider growth plans
    - Local
    - Tribal
    - Watershed
- Identify feasible alternatives to water transfers from agriculture



# Strategies to Meet Water Needs

- Increase support and funding for data
- Identify data gaps
- Foster remote sensing capabilities
- Reduce costs
  - Gathering and disseminating real-time data
  - In-kind contributions from cooperators
- New sources of funding needed



# Strategies to Meet Water Needs

- Utilize university research programs
- New programs and technologies
  - remote sensing
  - wastewater treatment
  - energy
  - water efficiency
  - more efficient and cost effective reservoir operations

# Strategies to Meet Water Needs

- Make permanent a National Integrated Drought Information System (NIDIS)
- Broader national drought preparedness legislation



# Strategies to Meet Water Needs

- Augment existing water supplies
  - water conservation
  - water use efficiency
  - demand management
    - pricing structures
  - water and water rights transfers via markets
  - water banking
  - water reuse
  - revolving fallowing of ag lands
  - watershed protection and management
  - surface and ground water storage alternatives
  - desalination
  - weather modification

# Strategies to Meet Water Needs

- Evaluate watershed programs and strategies
- Examine resources and level of coordination among and between:
  - federal and state agencies
  - Tribes
  - conservation districts
  - municipalities
  - NGOs





# Water Infrastructure Needs

## Analysis

- Future growth & prosperity of the West depends on aging infrastructure
- Infrastructure is inadequate
- Underfunding capital improvements
- Need for expanding & building partnerships
- Significant federal role in providing assistance

# Water Infrastructure Needs

- Urge Congress to increase appropriations accruing to the Reclamation Fund
  - water supply needs
    - rural communities
    - maintain and replace projects
    - build new capacity to meet demands
      - growth
      - environmental protection





# Water Infrastructure Needs

- Enact S. 895 "The Rural Water Supply Act of 2005"
  - Assess rural water supply needs
  - Authorize federal loan guarantees
    - enable non-federal project sponsors to obtain private financing



# Water Infrastructure Needs

- Identify beneficiaries of existing infrastructure
- Identify opportunities to expand the range of interests
  - build coalition to support funding
  - evaluate opportunities to consolidate delivery of water-related services



# Resolution of Indian Water Rights

## Analysis

- Support negotiated settlement
- Evaluate settlement process
- Establish cooperative partnerships
- Invigorate process threatened by fiscal and legal policies
- Trust responsibility of the federal government
- Languishing funding commitment

# Preparation for Climate Change Impacts

## Analysis

- Global surface temps have increased
- Projected impacts include:
  - smaller snowpacks
  - earlier snowmelt
  - flood-control releases
  - more extreme flood events
  - receding glaciers
  - more evaporation and dryness
  - less groundwater



# Preparation for Climate Change Impacts

- Projected impacts include:
  - more droughts
  - more wildfires
  - water quality challenges
  - hydroelectric generation
  - water-borne shipping
  - ecosystems
  - recreation impacts



# Preparation for Climate Change Impacts

- Efforts should be made to focus on vulnerabilities and building increased resiliency to climatic extremes.
  - Data Collection
    - Expand Funding
  - Improved Prediction, Modeling, Impact Assessment
    - Urge Congress to fund research



# Preparation for Climate Change Impacts

- State Planning
  1. Assess projected climate trends
    - Inventory data sources
    - Seek funding to support activities
  2. Maintain various water-related plans
    - Include climate change scenarios
  3. Include local government in planning efforts
  4. Ensure flexibility to respond to climate change

# Protecting Aquatic Species under Endangered Species Act

## Analysis

- Conflicts – water management and needs of species
- Congressional policy of cooperation
- Administrative and management mechanisms





# Water Needs and Strategies for a Sustainable Future: Next Steps

- Western States Federal Agency Support Team
- Integrated Water Resources Planning and Assistance
- State Water Plans

**WGA Annual Meeting**  
**June 29 – July 1**  
**Jackson, Wyoming**

**[www.westgov.org](http://www.westgov.org)**



WESTERN GOVERNORS' ASSOCIATION